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BellSouth Telecommunications, Inc
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

joelle.phillips@bellsouth.com

Joelle J Phillips
Attorney

615 214 6311
Fax 615 214 7406

March 11, 2005

T.R.A. DOCKET ROOM

VIA HAND DELIVERY

Hon. Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *BellSouth's Motion For The Establishment Of A New Performance Assurance Plan*
Docket 04-00150

Dear Chairman Miller:

Enclosed are the original and fourteen copies of BellSouth's *Objections to CompSouth's Second Round of Discovery to BellSouth*. Copies of the enclosed are being provided to counsel of record.

Cordially,

Joelle Phillips

JJP:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re. *BellSouth's Motion For The Establishment Of A New Performance Assurance Plan*

Docket 04-00150

BELLSOUTH TELECOMMUNICATIONS, INC.'S
OBJECTIONS TO COMPSOUTH'S
SECOND ROUND OF DISCOVERY TO BELLSOUTH

BellSouth Telecommunications, Inc. ("BellSouth") files this *Objection to CompSouth's Second Round of Discovery*, and respectfully shows the Authority as follows:

It is patently unfair for only one party in a case to be required to respond to discovery. CompSouth has yet to respond to the discovery propounded in December 2004 in this docket. Likewise, CompSouth's member companies have not responded to the subpoenas issued to them. CompSouth and its members have engaged in a pattern of avoiding providing BellSouth with real data about performance and the true impact on CLECs of that performance.

As BellSouth suspected prior to the filing of testimony, CompSouth **does** appear to be trying to have it both ways. Specifically, its witness has made assertions regarding the quality of BellSouth's wholesale performance and the impact of BellSouth's performance on CLECs in Tennessee. While CompSouth urges the TRA to evaluate that impact and that performance solely on the basis of the existing performance plan, BellSouth believes that the Authority should consider all evidence of the true impact of these supposed performance issues on actual CLECs. For this

reason, BellSouth has propounded discovery attempting to get at exactly that. As the Authority is aware, BellSouth has yet to receive that type of information from either CompSouth or from its members.

Perhaps CompSouth and its members have no such data. Perhaps they are unable to find any records that BellSouth's performance has affected them. Maybe they have no correspondence or other data showing that they have raised issues on a day-to-day basis about performance. Maybe there is no factual evidence that the members of CompSouth have felt any adverse effect as a result of any of the BellSouth performance that the plan penalizes. If that is the case, then BellSouth is entitled to get an answer to its questions stating precisely that: that while BellSouth has asked these CLECs to provide some fact backing up their assertion of bad performance or of real financial impact, the CLECs have been unable to do so.

Specific Objections

BellSouth objects specifically to responding to CompSouth's Request No. 9. The request seeks data from the PARIS system, which would be extremely time consuming to provide and which would require extensive use of resources that are primarily involved in the production of monthly results and SEEMs payments. BellSouth further objects to the relevance of this request, as it is unclear how this information is different in kind from the information previously provided to CompSouth in the first round of discovery. BellSouth questions whether the information requested in Request No. 9 could not be determined on the basis of the more than 3,000 pages of information provided in response to CompSouth's first round of discovery.

BellSouth intends to answer the remaining discovery propounded by CompSouth, but BellSouth respectfully urges the Authority to require CompSouth to answer BellSouth's pending discovery and to require CompSouth's members who have received subpoenas to respond to such subpoenas before BellSouth is required to provide still further discovery to these parties. Discovery is, of course, intended to be a two-way street.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks
Joelle J. Phillips
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
615/214-6301

R. Douglas Lackey
Robert Culpepper
675 W. Peachtree St., NE, Suite 4300
Atlanta, GA 30375

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2005, a copy of the foregoing document was served on the following, via hand delivery, facsimile, overnight, electronic mail or US Mail, addressed as follows:

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- ☒ Electronic

Henry Walker, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062
hwalker@boultcummings.com

A handwritten signature in black ink, appearing to read 'H. Walker', is written over a horizontal line.